



Atty. Dkt. No. 076333-0287

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Louis D. FALO et al.

Title: STIMULATION OF CELL-MEDIATED IMMUNE
RESPONSES BY TARGETED PARTICULATE GENETIC
IMMUNIZATIONS

Appl. No.: 08/931,219

Filing Date: 09/16/1997

Examiner: R. Shukla

Art Unit: 1632

RECEIVED
MAY 09 2005
OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed on July 16, 2003, which set a three-month period for response.

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Required reply and/or fee;
- (2) Petition fee (37 C.F.R. § 1.17(m));
- (3) Statement that the abandonment was unintentional;
- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)); and
- (5) Further information in relation to the delay between the abandonment and filing of the Petition pursuant to 37 C.F.R. § 1.137(b).

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(1) Required reply and/or fee.

The proposed reply and required fee for the above-noted Office Action in the form of an Amendment and Reply under 37 C.F.R. § 1.111, and a Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures are enclosed herewith.

(2) Petition fee (37 C.F.R. § 1.17(m))

A check in the amount of \$1,500.00 is enclosed for the amount stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

(3) Statement that the abandonment was unintentional.

Applicants hereby state that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional.

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

(5) Further Information regarding delay between abandonment of application and filing of Petition under 37 C.F.R. § 1.137(b).

The following information regarding the events which occurred between abandonment of the application and the filing of the petition to revive the application is provided in accordance with M.P.E.P. § 711.03, and to avoid delay in the consideration of the merits of the present petition:

- A non-final office action and notice to comply was mailed on July 16, 2003.
- On October 7, 2003, Applicants instructed the attorneys of record to abandoned application serial number 09/967,956 (a continuation of the present application).
- The attorneys of record mistakenly construed the instructions of the Applicants to abandon both the parent (present application) and the continuation application, and therefore no response to the July 16, 2003 office action for the present application was filed. However, Applicants had intended to only abandon application serial number 09/967, 956.

- A Notice of Abandonment was mailed on March 10, 2004.
- On April 4, 2005, Applicants requested the status of the present application, at which time the communication error was discovered, and the attorneys of record learned that the Applicants had not intended to abandon the present application.

The abandonment of the present application was unintentional and entirely due to a communication error. Applicants respectfully request that the petition for revival of the present application be granted.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 4 May 2005

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

By Stephen A. Bent

Stephen A. Bent
Attorney for Applicants
Registration No. 29,768